

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DR. ANTHONY CERAMI, | : 1:07-CV-05634-AKH-DFE |
| | : DECLARATION OF KEVIN E. |
| Plaintiff, | : WARNER IN SUPPORT OF |
| | : PROPOSED INTERVENOR |
| - against - | : ABBOTT LABORATORIES' |
| | : MOTION TO INTERVENE FOR |
| NOVARTIS AG and NOVARTIS VACCINES | : THE LIMITED PURPOSE OF |
| AND DIAGNOSTICS, INC., | : REQUESTING A PROTECTIVE |
| | : ORDER |
| Defendant. | : |
| ----- X | |

Kevin E. Warner hereby declares as follows under penalty of perjury:

1. I am an attorney at law of the State of Illinois associated with Winston & Strawn LLP, counsel for Abbott Laboratories ("Abbott"). I have personal knowledge of the facts set forth herein.

2. This Declaration is submitted in support of Abbott's Motion to Intervene for the Limited Purpose of Requesting a Protective Order.

3. Attached hereto as Exhibit "A" is a true copy of Abbott's Proposed Protective Order in this matter.

4. Attached hereto as Exhibit "B" is a true copy of the Stipulated Protective Order issued in *The Rockefeller University and Chiron Corporation v. Centocor, Inc. and Abbott Laboratories*, No. 2:04-168 (TJW) (the "Texas litigation").

5. Attached hereto as Exhibit "C" is what is based on my best information and belief a true copy of Novartis Vaccines And Diagnostics, Inc.'s Initial Disclosures in this action, as provided by counsel for Plaintiff Cerami.

6. Attached hereto as Exhibit "D" is a true copy of a webpage of Warren Pharmaceuticals, Inc., as it exists on this date, located at <http://www.warrenpharma.com/pages/intellect.html>.

7. Attached hereto as Exhibit "E" is a true copy of a webpage of Warren Pharmaceuticals, Inc., as it exists on this date, located at <http://www.warrenpharma.com/pages/intellect.html>.

/s/ Kevin E. Warner
Kevin E. Warner

Dated: November 16, 2007

CERTIFICATE OF SERVICE

I, Kevin E. Warner, hereby certify that on this day, November 16, 2007, I caused a true and correct copy of the foregoing document to be served via e-mail upon the following:

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/s/ Kevin E. Warner
Kevin E. Warner